

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5024 of 2017

=====

Sri Nivas Rai, Son of Deep Narayan Rai, resident of village - Gauripur Makandpur,
Panchayat - Kishanpur, P.S. + Block - Sultanganj, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Government of Bihar, Patna
2. The District Magistrate, Bhagalpur
3. The Sub - Divisional Officer - Cum - Licensing Authority, Bhagalpur
4. The Block Development Officer, Sultanganj, District - Bhagalpur
5. The Block Supply Officer, Sultanganj, District - Bhagalpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pravina Kumari, Adv.
Ms. Uma Kumari, Adv.
For the State : Mr. S.Raza Ahmad-AAG5
Mr. Alok Ranjan, AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-08-2017

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is seeking revocation of suspension of the P.D.S. license.

The petitioner is a license holder of the P.D.S. shop having license no.149/85. On receipt of a complaint, the B.D.O., Sultanganj, inspected the shop of the petitioner when the petitioner was found absent and also found certain lapses in running the shop. The petitioner was issued show-cause as to why his license be not suspended which was replied by him and finally the Sub-Divisional



Officer, Bhagalpur, passed the order dated 7.1.2010 by which the P.D.S. license of the petitioner has been suspended with immediate effect and also directed the petitioner to file an explanation as to why his license be not cancelled. After the year 2010, the S.D.O., Bhagalpur, who is the statutory authority to decide the case of the petitioner, is sitting tight over the matter and allowing the order of suspension of the license to continue. Till date, the S.D.O., Bhagalpur has not passed the final order. In the court affidavit also, he has only tried to shift the blame on the petitioner. Even if the petitioner has not filed his explanation but, there was no interjection to pass a final order and take a decision on its merit but, he has kept the license under suspension.

In that view of the matter, the order dated 7.1.2010 passed by the Sub-Divisional Officer-cum-Licensing Authority, Bhagalpur is set aside. The S.D.O., Bhagalpur, if so advised, may take action in accordance with law.

With the aforementioned observation, this writ application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2017
Transmission Date	NA

